

## REMARKS

Notice is taken of the provisional obviousness-type double patenting rejection made against claims 1-12 of this application over claims of copending application 11/069,173. The latter application is a continuation-in-part of this application and incorporates the subject matter thereof by reference. Thus, both applications appear to have the same effective filing date for common subject matter, and a need for filing a terminal disclaimer in this application is not presently foreseen.

Claim 6 has been amended to correct the grammar.

Claims 8-12 have been amended to correct their preambles to correspond with the parent claim 7.

In the Office Action, claims 7-12 were rejected as anticipated by US 1,731,087 Zatti and also by US 5,127,248 Sanseau et al. Reconsideration is requested.


Applicant's claim 7 calls for a draw die including a curve wherein a portion of the curve is a circular arc and a connecting transition portion has a curvature decreasing gradually from the curvature of the circular arc to the zero curvature of a straight tube. Neither reference appears to show or suggest such a curve in a draw die. Zatti recites a curve of his "former 16" may be of any desired shape, but as disclosed is "substantially spiral" (page 1, lines 46-55). There is no suggestion of spiral and arcuate curves in the same die. Sanseau appears to show only a spiral curve in the die.

Since the recited configuration of applicant's claim 7 is neither met nor suggested by the references, the rejections of claims 7-12 are not supported and the rejection under Section 102(b) should be withdrawn.

Claims 1-6 were rejected under 35 U.S.C. 103 as unpatentable over Zatti or Sanseau since they "contain all of the claimed features of the die they are considered to be capable of manufacturing a tube structure of tubes 1-6". But they do not contain all the claimed features of the die, as is pointed out above. Accordingly, the stated basis for the rejection does not support the rejection and, therefore, should be withdrawn.

This amendment is believed to be fully responsive to the issues raised in the Office Action and to place this case in condition for allowance. Favorable action is requested.

Respectfully submitted,

By   
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